

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

DAVID BEYDA, X

Plaintiff(s),

05 CV 8102

-against-

HENRY SELBY and SYSCO FOOD SERVICES
OF METRO NEW YORK, LLC,

Defendant(s).

X

NOTICE OF REMOVAL

____To the Honorable Judges of the United States District Court
for the Southern District of New York, the defendants, HENRY
SELBY and SYSCO FOOD SERVICES OF METRO NEW YORK, LLC, by their
attorneys, Connors and Connors, P.C., state the following upon
information and belief:

1. That HENRY SELBY and SYSCO FOOD SERVICES OF METRO NEW
YORK, LLC are defendants in the above-entitled action.

2. On August 24, 2005 this action was commenced against
HENRY SELBY and SYSCO FOOD SERVICES OF METRO NEW YORK, LLC in the
Supreme Court of the State of New York, Bronx County, and is now
pending. The action is captioned:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

DAVID BEYDA,

Plaintiff(s),

Index No.: 20826/05

-against-

HENRY SELBY and SYSCO FOOD SERVICES
OF METRO NEW YORK, LLC,

Defendant(s).

X

3. The defendants, HENRY SELBY and SYSCO FOOD SERVICES OF METRO NEW YORK, LLC, are filing this Notice of Removal within 30 days of service of the summons and complaint.

4. No further proceedings have been had in the Supreme Court of the State of New York, Bronx County.

5. The amount in controversy in this action exceeds the sum of \$75,000 exclusive of interests and costs.

6. Plaintiff is a citizen of New York State.

7. At the time the Complaint was filed, SYSCO FOOD SERVICES OF METRO NEW YORK, LLC was incorporated in the State of New Jersey and upon information and belief, its principal place of business was also in the State of New Jersey.

8. The defendant, HENRY SELBY, is a citizen of the State of Maryland.

9. This is an action for damages for personal injury resulting from the alleged negligence of the defendants.

10. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332, and the action may therefore be

removed to this Court pursuant to 28 U.S.C. §1441.

11. A copy of the Summons and Complaint served on HENRY SELBY and SYSCO FOOD SERVICES OF METRO NEW YORK, LLC is annexed hereto.

12. This notice is filed with this Court within 30 days after service of the Complaint in this action.

WHEREFORE, HENRY SELBY and SYSCO FOOD SERVICES OF METRO NEW YORK, LLC pray that the above action now pending against it in the Supreme Court of the State of New York, County of Bronx, be removed to this Honorable Court.

JOHN P. CONNORS, JR. (6514)

Connors & Connors, P.C.
Attorneys for Defendants
HENRY SELBY and SYSCO FOOD SERVICES
OF METRO NEW YORK, LLC
766 Castleton Avenue
Staten Island, New York 10310-9003
(718) 442-1700

TO: LAW OFFICES OF ALAN TARZY
Attorney for Plaintiff
521 Fifth Avenue
New York, New York 10175

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

DAVID BEYDA,

X

Plaintiff(s),

05 CV 8102

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Defendant(s).

X

SIRS:

PLEASE TAKE NOTICE, that upon the removal of this action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York, a Notice of Removal, a copy of which is annexed hereto was duly filed in the Office of the Clerk of the United States District Court for the Southern District of New York on the 19th day of September, 2005.

Dated: Staten Island, New York
September 16, 2005

JOHN P. CONNORS, JR. (6514)

Connors & Connors, P.C.
Attorneys for Defendants
HENRY SELBY and SYSCO FOOD SERVICES
OF METRO NEW YORK, LLC
766 Castleton Avenue
Staten Island, New York 10310
(718) 442-1700

TO: LAW OFFICES OF ALAN TARZY
Attorney for Plaintiff
521 Fifth Avenue
New York, New York 10175

CERTIFICATE OF SERVICE

I, JOHN P. CONNORS, JR., hereby certify that a copy of the foregoing NOTICE OF REMOVAL was mailed by first class mail, postage prepaid, this 19th day of September, 2005, to all counsel of record as indicated below.

JOHN P. CONNORS, JR. (JPC 6514)

TO: LAW OFFICES OF ALAN TARZY
Attorney for Plaintiff
521 Fifth Avenue
New York, New York 10175

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

_____X

DAVID BEYDA,

Plaintiff,

-against-

05 CV 8102

HENRY SELBY and SYSCO FOOD SERVICES
OF METRO NEW YORK, LLC

Defendants.

_____X

Pursuant to Rule 7.1 of the General Rules of the Southern District of New York and to enable judges and magistrate judges of the court to evaluate possible disqualification or recusal, the undersigned counsel of record for a private (non-governmental) party certifies that the following are corporate parents, subsidiaries, or affiliates of that party which are publicly held.

NONE

DATE: September 16, 2005

JOHN P. CONNORS, JR. (JPC 6514)

CERTIFICATE OF SERVICE

I, JOHN P. CONNORS, JR., hereby certify that a copy of the foregoing RULE 7.1 STATEMENT was mailed by first class mail, postage prepaid, this 19th day of September , 2005, to all counsel of record as indicated below.

JOHN P. CONNORS, JR. (JPC 6514)

TO: LAW OFFICES OF ALAN TARZY
Attorney for Plaintiff
521 Fifth Avenue
New York, New York 10175